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09/452,952	12/02/1999	PAUL J. FREDERICK	A-21599	1975

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EXAMINER
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WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/452,952

**Applicant(s)**

FREDERICK, PAUL J.

**Examiner**

Allen Wong

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/04 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 10/5/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

In light of the newly enclosed IDS filed on 10/5/04, the Anderson Jr. reference has been strongly considered as pertinent to the present invention, as illustrated in the rejection below.

Applicant's arguments with respect to claims 1-14 have been read and considered but are persuasive.

Regarding lines 4-6 and 15-16 on page 8 of applicant's remarks, applicant asserts that the references used do not teach a broadcast of a racing event where the viewer selects a view of an ongoing race from the selected the racer's vantage point which varies over the time of the race in terms of the racer's current position in the race.

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First of all, claims 1 and 14 do not mention the specifics of the "selected the racer's vantage point which varies over the time of the race in terms of the racer's current position in the race" in the claims, so the broad limitations of the claims can be reasonably interpreted as stated below in the rejection.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Regarding lines 20-24 on page 8 of applicant's remarks, applicant contends that Papyrus is not in the cable broadcast or Internet environment. This may be true, however, it is not one teaching, but the combination of the teachings that can be applied to the claims. Besides, claim 1 only states that "a pay-per-view television system or Internet or the like" is used to transmit the video images, and the statement "or the like" broadly implies any video transmission means that can transmit the image data over to the viewers. And Matthews does it over the interactive television or cable broadcasting to user set-top boxes, as disclosed in col.2, ln.15-17. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Regarding lines 10-15 on page 9 of applicant's remarks, applicant states that Vancelette does not disclose the camera positioning which permits the broadcast of a race participant's view of an ongoing race where the racer's position changes or can change. Again, as stated above, the claims do not mention the specifics of "camera positioning which permits the broadcast of a race participant's view of an ongoing race where the racer's position changes or can change", and as such, the claims can be reasonably interpreted as illustrated in the rejection below.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson Jr. (6,578,203).

Regarding claims 1-13, Anderson Jr. discloses a method for distributing video images of a racing event from the perspective of an individual race participant (col.3, ln.10-15) to one or more individual viewers (fig.1, note multiple receivers 75 that are used by multiple viewers in a broadcasting environment) comprising the steps of:

providing each of a plurality of participants in said event with a video camera positioned to provide a view of the race from that participant's perspective (col.3, ln.10-15),

providing each of said cameras with a respective transmitter for transmitting information regarding video images generated by the camera, which video image is the participant's view of the race (fig.2, note plural video camera signals 22 are transmitted, so plural transmitters are used for the respective video camera signals),

providing retransmission equipment for receiving information transmitted by the transmitter and directing information regarding video images from each of the plurality of

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cameras to respective channels for remote viewing at a viewer's location (note in fig.2, camera signals are then multiplexed by element 67 and then form a combined signal 71 for transmission to multiple receivers where combined signal 71 is then decoded for viewing, as shown in fig.1, and that interface device can receive information from transmitters and directing to receivers for remote viewing),

providing channel selectors that permit viewers at their individual locations to select from among the channels a particular participant's view of the race (col.2, ln.22-25, ln.30-35 and col.6, ln.14-24),

simultaneously operating said cameras during the event so as to generate a plurality of camera feeds during the event, each feed reflecting a perspective of the respective participant in real time (col.3, ln.10-15 and fig.1, note respective camera signals 22 are generated from a plurality of camera feeds),

transmitting the plurality of feeds to the retransmitting equipment (note in fig.2, camera signals are then multiplexed by element 67 and then form a combined signal 71 for transmission to multiple receivers where combined signal 71 is then decoded for viewing, as shown in fig.1, and that interface device can receive information from transmitters and directing to receivers for remote viewing), and

retransmitting the feeds to said channels, such that each of a plurality of viewers is able to select from a plurality of said channels the perspective of one or more participants (col.2, ln.22-25, ln.30-35 and col.6, ln.14-24, ln.49-55),

wherein the video images are transmitted by way of a pay-per-view television system or Internet or the like (col.6, ln.49-55).

Regarding claim 14, Anderson Jr. discloses a system for distributing from the perspective of an individual participant in a racing event comprising a plurality of video cameras each mounted on an individual participant in a racing event (col.3, ln.10-15), a plurality of respective transmitters for transmitting information regarding video images from the plurality of cameras (fig.2, note plural video camera signals 22 are transmitted), retransmission equipment for receiving information from said transmitters and directing information regarding the video images to respective channels for remote viewing at individual viewers' locations (note in fig.2, camera signals are then multiplexed by element 67 and then form a combined signal 71 for transmission to multiple receivers where combined signal 71 is then decoded for viewing, as shown in fig.1, and that interface device can receive information from transmitters and directing to receivers for remote viewing), and channel selectors that permit an individual viewer to select from among the channels (col.2, ln.22-25, ln.30-35 and col.6, ln.14-24, ln.49-55), thereby allowing the viewers to select and view video images from at least one of said cameras and thereby obtain an individual participant's view of the race (col.2, ln.22-25, ln.30-35 and col.6, ln.14-24).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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Claims 1, 4-6, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) in view of Papyrus Design Group of the NASCAR video game manual.

Regarding claim 1, Matthews discloses a method for distributing video images of a racing event comprising the steps of providing each of a plurality of participants in said event with a video camera (see fig.2; note cameras 42-48 captures images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc.), providing each of said cameras with a respective transmitter (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information) for transmitting information regarding video images generated by the camera, providing retransmission equipment (see fig.4 and col.5, lines 36-46; note set-top box 24 is the retransmission equipment for receiving the video information and directing the information to the remote viewers' locations, to the television 20 in fig.1) for receiving information transmitted by the transmitter and directing information regarding video images from each of the plurality of cameras to respective channels for remote viewing at viewers' locations, providing channel selectors (col.5, lines 33-35; note element 74 is a channel selector) that permit viewers to select from among the channels, simultaneously operating said cameras during the entertainment event so as to generate a plurality of

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camera feeds during the event (see fig.2), each feed reflecting a perspective of a respective participant (see fig.2; note each camera from 42-48 reflect a different view of each different respective camera position), transmitting the plurality of feeds to the retransmitting equipment (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information), and retransmitting the feeds to said channels, such that a viewer is allowed to select from a plurality of said channels (col.5, lines 33-35; note element 74 is a channel selector) the perspective of one or more participants, wherein the video images are transmitted by way of a pay-per-view television system or Internet or the like (col.2, ln.15-17, note cable tv or interactive television broadcast is used to transmit the video images).

Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants at all angles, Matthews suggests that the event can be seen in numerous views from all participants. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, NASCAR 95 (ie. video game), and helmet cameras installed on race cars, Arena Football League players dating back to 1990. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Although Matthews does not specifically disclose the limitation of seeing perspectives of all participants at all angles for a NASCAR or racing event, however, the NASCAR video game manual by Papyrus Design Group teaches, on page 23 in the paragraph subheading "Arcade Driving", that the stock car driver can switch viewing modes or viewing angles by pressing a button F10 to alternate from the "cockpit view" to the "Arcade Telephoto view", then to the "Arcade Wide view", and finally back to the "cockpit view". Furthermore, the NASCAR video game manual by Papyrus Design Group discloses, on page 23 in the paragraph subheading "The Instant Replay", that each race car can have onboard cameras equipped along with other television cameras outside the car, and also replays can be seen from any car upon demand so that when there are 40 cars on the track, then one can have over three-hundred replay angles to choose from for viewing. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Matthews and the NASCAR video game manual by Papyrus Design Group for permitting the display of multiple angles and views into the broadcasting of the live NASCAR racing event so as to provide the viewer with as many exciting, thrilling, jaw-dropping, mindblowing, incredible, realistic views of the NASCAR racing event to experience. Doing so would totally pique the viewer's attention and give the NASCAR ambience and feel to the viewer's home.

Note claim 14 has similar corresponding elements.

As for claim 5, 6, 10 and 12, Matthews discloses that the camera feed is generated for all participants (see fig.2; note cameras 42-48 obtain images from various

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locations) and that the images selected by the viewer can be viewed on a display monitor screen (fig.1, 22).

Regarding claim 4, although Matthews may not appear to mention the transmission of video information by way of the Internet, it would have been obvious to one of ordinary skill in the art to use the Internet for conveniently viewing video information on a computer when one does not have a television available.

Regarding claim 13, although Matthews may not appear to mention that the interactive television system can be used in a race car competition, Matthews suggests that the interactive television system can be used for numerous sporting events, Matthews decides to use baseball as an example of how the his interactive television system can be implemented. Therefore, one of ordinary skill in the art would obviously take Matthew's teaching of interactive television system and manipulate it into a race car competition scene for providing an amazing and thrilling experience for race car audiences.

Claims 2, 3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) and Papyrus Design Group of the NASCAR video game manual and in view of Vancelette (5,894,320).

As for claim 2, Matthews does not mention the use of audio information that accompanies the video information, however Vancelette teaches that the viewer can listen to an audio feed of the sporting event's participants (col.5, lines 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the

teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism.

Regarding claim 3, Matthews discloses a cable system (see fig.4) is used, but Matthews does not appear to mention transmitting video information by way of pay-per-view television system, however Vancelette teaches the use of pay-per-view (col.7, lines 63-65). It would have been obvious to one of ordinary skill in the art to use pay-per-view television system for providing the viewer a plurality of viewing options for viewers' convenience. Also, it is obvious and inherent that all cable companies have pay-per-view services for viewers' viewing pleasure and accessibility.

As for claims 7 and 8, Matthews does not appear to mention having advertisements in his interactive television system, however, Vancelette teaches the use of advertisements (col.7, lines 58-67; note the term "marketing scheme" implies advertisements). Therefore, it would have been obvious to one of ordinary skill in the art to use advertisements for providing the viewing audience a glimpse or preview of upcoming events on television so that the viewer can plan ahead on what events to watch.

Regarding claims 9 and 11, Matthews may not appear to disclose the use of gathering viewer's requests for which camera feed of the sporting event is most common, however, Vancelette teaches the use of a rating scheme for gathering statistics on what most people watch and which camera feed is the most common (col.7, lines 65-67), and essentially gathering ratings is equivalent to gathering viewer's requests. Therefore, it would have been obvious to one of ordinary skill in the art to

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combine the teachings Matthews and Vancelette for obtaining a full and complete report on what the viewers like and dislike on television.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Allen Wong  
Examiner  
Art Unit 2613

AW  
2/22/05